KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2020/62/90191/W
Site Address:	All Hallows Church, Westgate, Almondbury, Huddersfield, HD5 8XJ
Description:	Erection of concrete shed (within a conservation area)
Recommending Officer:	Ellie Worth

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 14-Apr-2020

Officer report

Site description

All Hallows Church, Almondbury is a large Grade I Listed Building located on an elevated corner pot at Northgate and Westgate. The church dates from the 13th century, with only parts remaining of the chancel from this period. The majority of the church is from the 15h century with English gothic style architecture. To the North of the church is a modern irregular shaped church hall extension in which appears to of been built in the 1990s with a small narrow link corridor adjoining the two buildings together.

The site is also located within Almondbury Conservation Area on the Kirklees Local Plan and is located on the edge of the local centre. Surrounding the site is a mixture of residential and commercial properties.

Description of development

The applicant is seeking permission for the erection of a concrete shed. The measurements of the proposal are as follows:

- 1.4m in width
- 1.8m in length
- 2.3m in height

At the time in which the site visit was undertaken it was evident that the concrete shed had already being installed. The outbuilding has been constructed from aggregate finish concrete sections with a galvanised steel profile roof.

History of negotiations/amendments

No negotiations or amendments have been sought during the course of this application.

Relevant Planning History

2016/90884 Erection of security fence (Listed Building within a Conservation Area) – Granted

Representations

The application was advertised by site notice, press notice and neighbour notification letters.

Final publicity expires: 6th March 2020.

As a result of the above, no representations have been received.

Consultation responses:

- **KC Conservation and Design**: No objections to the proposal
- **Historic England**: No comments to make

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within Almond bury Conservation Area on the Kirklees Local Plan, as well as the fact that the Church is a Grade I Listed Building.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP24 – Design
- LP30 - Biodiversity
- LP35 – Historic environment

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well design places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

The building in which the application relates to is a Grade I Listed Building (Historic England ref 1225096) and is located within a conservation area meaning that the application is to comply with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The legislation sets out a general duty for the protection of listed buildings and conservations areas. For development that impact upon these, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting, including any features of special architectural or historic interest which it benefits from.

This is also reiterated in the National Planning Policy Framework which also set out how Local Planning Authorities are to determine planning applications that impact upon Listed Buildings and Conservation Areas. In particular

Chapter 16 that relates to the importance of the historic environment, as paragraph 190 states how LPAs are to identify and assess the significance of any heritage asset that may be affected by a proposal, which should be taken into account when considering the impacts upon this asset.

Paragraph 192 also sets out what LPAs are to consider when determining these applications; including the sustainability and enhancement the significance of heritage assets and putting them into viable and appropriate use, economic viability and positively contributing to local character and distinctiveness.

In this case, the shed is located to the North of the main building, within a discrete location and therefore it has been considered that in principle the proposal would not have any significant impact on the character and setting of the Listed Building and Conservation Area. For these reasons, the principle of development has been considered acceptable, subject to the following material planning considerations.

2. Impact on visual amenity and heritage

The proposed shed is located within the curtilage of a listed building and therefore careful consideration has taken place.

In this instance, the building is considered to be relatively small in size and scale, when compared against the background of the Listed Building and the attached Church Hall. More importantly, the shed is also situated on an existing gravelled area in which is set back from the highway and is bounded in by green paladin fencing. This will help alleviate any concern as the proposed shed is considered to blend into its surroundings. Whilst the use of a sectional concrete structure would not match the host building it is a simple construction method, is small, with minimal works required to form the store, which would be easily reversible, as such in this instance the materials are considered to be acceptable.

KC Conservation and Design have also been formally consulted as part of this application, whereby the officer has raised no objections to the proposal as the shed would only cause slight harm to the significance of the church. More so, the harm is also considered to be mitigated by setting the shed into the recessed area, towards to the rear of the Listed Building.

Alongside the above, the supporting statement received as part of this application also sets out the need for the shed in order to provide a suitable robust fireproof store for the church's petrol lawnmower. This will allow the warden to maintain the grassed areas in order to keep the church an attractive and closely cared for community facility. For these reasons, the public benefits of providing the store are considered to outweigh the slight harm to the heritage asset.

In conclusion, it has been considered that there would be no significant harm on the setting of the Listed Building nor the character of the Conservation Area. As such, the proposal is considered to comply with Policies LP24 and LP35 of the Kirklees Local Plan, alongside Chapter 12 and 16 of the NPPF.

3. Impact on residential amenity

Given the location of the concrete shed between the main building and the attached church hall, and the distance to the nearest residential properties, it has been considered that there would be no further impact upon residential amenity.

This would accord with Policy LP24 of the Kirklees Local Plan.

4. Impact on highway safety

Due to the nature of the proposal, there would be no undue impact on highway safety in accordance with Policy LP21 of the Kirklees Local Plan.

5. Other matter

Bats

The application site lies within the bat alert layer on the Council's GIS system. Nonetheless, the proposal is for a concrete shed that benefits form a flat roof.

As such, it has been considered that the proposal is unlikely to have an impact upon roosting bats, in accordance with Policy LP30 of the Kirklees Local Plan, alongside the aims of Chapter 15 of the NPPF.

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward specific resilience measures, as the shed is already sited and is relatively small in size and scale.

6. Representations

None received

7. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation	**Approve**

Decision Authorisation - Delegated Powers

Application Number: 2020/90191

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, to preserve the character and setting of Almondbury Conservation Area and the Listed Building and to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Location plan	1196-001A	A	24th January 2020
Ground floor plan	1196-101	-	24th January 2020
Elevations plan	-	-	24th January 2020
Supporting statement	-	-	24th January 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, the application has been

considered acceptable in its submitted form and therefore no negotiations or amendments have been sought.

Report Dated: 14th April 2020